

Serial No. 10/649,550

Art Unit 3728

March 29, 2006

## **REMARKS**

This application presently includes Claims 1-13, in which Claims 1 and 4-13 stand rejected. As apparent from the Amendments to the Claims attached to this response, Claims 1, 5-8 have been amended, Claim 12 has been canceled and Claims 14-19 have been newly added.

### **Claim Rejections - 35 USC 112**

Claims 5, 6 and 8-13 were rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter.

The Examiner pointed out that in claim 5, the securing panel is hinged to one of the medial panels, not to the end wall. In response to this rejection, the subject term "end wall" in Claim 5 has been changed to "medial panel".

The Examiner also pointed out that in Claim 6, the phrase "said second medial panel is shorter in length than said second medial panel" is inaccurate. In response to this rejection, the subject phrase in Claim 6 has been changed to read as "said second medial panel is shorter in length than said first medial panel".

The Examiner further pointed out that in Claim 8, the phrase "said second medial panel and said second transverse partition member are partially struck from said first medial panel" has no clear meaning. In response to this rejection, the subject phrase has been deleted from Claim 8.

The Examiner still further pointed out a defect in Claim 12 that is similar to that pointed out for Claim 5. Claim 12 has been canceled without prejudice, which renders the rejection to Claim 12 moot.

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Based on the above amendments, withdrawal of the rejection under 35 USC 112 is respectfully requested.

Claim Rejections - 35 USC 102

Claims 1 and 4-7 were rejected under 35 USC 102(b) as being anticipated by Stone (US 5,680,930). The same claims were rejected under 35 USC 102(b) as being anticipated also by Moore et al (US 3,411,663). In response to these rejections, Claim 1 has been amended to point out Applicant's invention more clearly.

Claim 1 as amended requires that (1) the first and second medial panels are disposed face to face relationship with each other and (2) the first fold line (between the first and second medial fold medial panels) is disposed inwardly of the carrier relative to the second fold line by which the securing flap is hinged to one of the first and second medial panels.

In Stone, the medial partition panel 22b and the transverse partition member 28 are not disposed in face-to face relationship when the carrier is erected. Although the partition panels 22a, 22b are disposed in face to face relationship, the fold line between the medial partition panels 22a, 22b is aligned with the fold line 82 by which the securing flap 42 is hinged to the medial partition panel 22a. Accordingly, Claim 1 is not anticipated by Stone.

In Moore et al, the medial partition panel 42a and any one of the transverse partition members 50a, 51a, 52a, 59a and 60a are not disposed in face-to face relationship when the carrier is erected. Although the partition panels 41a, 42a are disposed in face to face relationship, the fold line between the medial partition panels 41a, 42a is aligned with the fold line by which the securing flap 55a is hinged to the medial partition panel 42a. Accordingly, Claim 1 is not anticipated by Moor et al.

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For the above reasons, withdrawal of the rejections under 35 USC 102(b) is respectfully requested.

Since Claim 1 is now allowable, its dependent claims (i.e., Claims 2-7) are also allowable. Claim 7 has been amended to better reflect the arrangement as shown in Figures 10-18.

#### Prior Art Not Relied Upon

Claim 1 has been amended, not only in view of Stone and Moor et al but also of WO 2000/051893 ("WO '893") that was cited by Applicant, in order to distinguish Claim 1 from what is disclosed in WO '893. The Examiner's attention is invited particularly to the embodiment shown in Figure 23A, at the fold lines 855, 865, of WO '893. Claim 1 as amended includes the limitation that the partition structure is disposed at least in part below the handle structure. This limitation allows Claim 1 to be distinct from WO '893 because the fold lines 855, 865 in WO '893 are associated with the handle structure, not with the partition structure.

#### Allowable Subject Matter

The Examiner suggested that Claims 8-13 would be allowable if rewritten or amended to overcome the rejection under 35 USC 112. Since Claim 8 is now free of the rejection under 35 USC 112, Claim 8 and its dependent claims (i.e., Claims 9-13) are also allowable

The Examiner also suggested that Claims 2-3 would allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Taking this suggestion, Claim 14 has been newly drafted in independent form including all of the limitations of Claims 1 and 2. Claim 14 also includes the limitation that the partition structure is disposed at least in part below the handle structure. This limitation allows Claim 14 to be distinct from WO '893. Accordingly, Claim 14 and its dependent claims (i.e., Claims 15-19) are also allowable.

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It is earnestly requested that in view of the above Amendments and Remarks, the application, as a whole, receive favorable reconsideration, and that Claims 1-11 and 13-19 be allowed.

Respectfully submitted,

  
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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on March 29, 2006.

  
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Date: March 29, 2006